IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

TUESDAY, THE TWENTY SIXTH DAY OF APRIL
TWO THOUSAND AND FIVE

PRESENT

**THE HON'BLE MR JUSTICE ELIPE DHARMA RAO**

**WRIT PETITION NO : 9569 of 2005**

Between:

M.Chandrasekhar Rao S/o.Late M.Kameswara Rao
R/o.9-28, Gayathrinagar, Jillalaguda Village, Saroornagar Mandal, RR. District.

**..... PETITIONER**

AND

1 The Superintending Engineer (Operation)
Central Power Distribution Company of A.P Ranga Reddy (South) at Hyderabad.
2 The Disvisional Engineer(Operation),
APCPDCL, Saroornagar, RR District.
3 Asst. Divisional Engineer (Operation) Champapet, APCPDCl,

RR District.
4 Inspector of Police (Vigillance).
A.P. TRANSCO, RR. South, Mint Compund, Hyderabad.

**.....RESPONDENTS**

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to May be pleased to issue an appropriate Writ, order or direction, preferably one in the nature of writ of mandamus declaring the Provisional Assessment Notice Dt.24-11-2004 of the 3rd Respondent including the action of the respondents in not passing any orders on the representation of the petitioner dt.24-12-2004 as illegal, arbitrary and contrary to Sec.125(5) of Indian Electricity Act and consequently direct the respondents to review the provisional assessment in accordance with the provisions of Indian Electricity Act forthwith while directing the respondents to sanction power supply connection to the petitioner forthwith and pass such other order or further orders.

**Counsel for the Petitioner: MR.J.KANAKAIAH**

**Counsel for the Respondents: MR.M.SREERAMULU REDDY**

**The Court at the stage of admission made the following :**

**O R D E R**:

Questioning the inaction on the part of the first respondent in not passing any order on the representation submitted by the petitioner dated 23-2-2004, challenging the provisional assessment dated 24-11-2004 to a tune of Rs.2,65,360/- and also in not giving power supply to his agricultural unit, the petitioner filed this writ petition.

The case of the petitioner is that he got dug a bore for his cultivation purpose and applied for service connection. On inspection, the respondents issued the provisional assessment to the above extent stating that he is tapping the power directly from the main. Aggrieved by the said order, the petitioner approached the first respondent on 23.12.2004 with a request to treat his unit as an Agriculture unit and review the provisional assessment as per the provisions of Section 125(5) of the Indian Electricity Act.

The learned counsel for the petitioner submits that since there was no consumption prior to the date of inspection, question of provisional assessment does not arise.

Having regard to the averments of the petition that the petitioner has already approached the first respondent for review of the provisional assessment, and having regard to the submissions made by the learned counsel for the petitioner, instead of keeping the matter pending before this Court, I deem it appropriate to dispose of the writ petition at the stage of admission with a direction to the first respondent to dispose of the representation dated 23.12.2004 said to have been made by the petitioner, as expeditiously as possible, preferably within six weeks from the date of receipt of a copy of this order. No costs.

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**26th April 2005**

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To

1 The Superintending Engineer (Operation)
Central Power Distribution Company of A.P Ranga Reddy (South) at Hyderabad.
2 The Disvisional Engineer(Operation),
APCPDCL, Saroornagar, RR District.
3 Asst. Divisional Engineer (Operation) Champapet, APCPDCl,

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5 Two CD copies.